

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2005-354-A - ORDER NO. 2006-204

APRIL 6, 2006

IN RE: Revisions to Article 8 of the Commission's Regulations	) ORDER GRANTING ) RECONSIDERATION ) AND PROMULGATING ) NEW REGULATION
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This matter comes before the Public Service Commission of South Carolina (the Commission) on a Petition for Reconsideration of Order No. 2006-158 in this Docket filed by the Commission Staff. Pursuant to this Petition, a Commissioner moved for reconsideration, and said motion was approved by voice vote. This Order memorializes that vote, grants reconsideration, and adopts the relief proposed by the Commission Staff in its Petition.

Order No. 2006-158 promulgated new regulations on practice and procedure before the Commission. Subsequent to this promulgation, it was discovered that one of the promulgated regulations was inconsistent with existing statutory law.

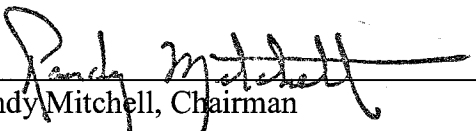
The Commission Staff originally requested that the Commission reconsider Order No. 2006-158, issued on March 14, 2006, to conform 26 S.C. Code Ann. Regs. 103-841 (renumbered as 26 S.C. Code Ann. Regs. 103-830 in the Proposed Regulations filed with the South Carolina Legislative Council) to the law governing service of complaints as found in Title 58 of the South Carolina Code. The Commission's Order promulgated a regulation which called for service of pleadings according to the South Carolina Rules of

Civil Procedure. Unfortunately, the statutory law as it exists sets out a different scheme for service. Accordingly, the Commission Staff now requests that this Commission reconsider its prior Order and now promulgate Regulation 103-841 (n/k/a 103-830) with its original language, with the exception of the replacement of the phrase “Executive Director” with the phrase “Chief Clerk,” and including the deletion of Subsection (A), as was previously promulgated. Exhibit A as attached to this Order illustrates the proper regulation for promulgation.


We have considered this matter, and grant reconsideration of Order No. 2006-158, for the express purpose of promulgating a new regulation that is consistent with present statutory law. Accordingly, we promulgate the new Regulation 103-830 as shown on Exhibit A to this Order, since it is consistent with statutory law.

This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
\_\_\_\_\_  
Randy Mitchell, Chairman

ATTEST:

  
\_\_\_\_\_  
G. O'Neal Hamilton, Vice-Chairman

(SEAL)

EXHIBIT A

~~103-84130~~. Filing and Service of Pleadings.

All pleadings shall be filed with the ~~Executive Director~~ Chief Clerk of the Commission and served on the Office of Regulatory Staff.

~~A. Service of Applications. If a person other than the applicant is named in an application, the Executive Director will cause to be mailed to that person a copy of the notice of filing within ten days of the filing date. The person, other than the applicant, shall file its answer, if required, within twenty days of the receipt of the notice of filing.~~

B. Service of Complaints and Answers.

(1) A complainant requesting a hearing shall file the complaint with the ~~Executive Director~~ Chief Clerk. ~~The Executive Director~~ Chief Clerk shall mail a copy of the complaint to the defendant within 14 days of filing.

(2) The defendant shall serve its answer on the complainant and shall file its answer with certification of service with the Commission within 30 days of receipt of the complaint, unless an extension of time is granted for good cause shown. Any defendant failing to file its answer within such period, unless an extension of time is granted, shall be deemed in default and all relevant facts stated in such complaint may be deemed admitted.

C. Service of Petitions and Answers.

(1) If a person other than the petitioner is named in a petition for a declaratory order or in a petition for a rule to show cause, the ~~Executive Director~~ Chief Clerk shall cause a copy of the petition to be mailed to such named person within 14 days of the filing of the petition.

(2) The person named in a petition for a declaratory order or in a petition for a rule to show cause shall serve its answer on the petitioner and shall file its answer with certification of service with the ~~Executive Director~~ Chief Clerk within 30 days of the receipt of the petition from the ~~Executive Director~~ Chief Clerk unless an extension of time is granted for good cause shown.

(3) A person filing a petition to intervene or a party of record filing a petition for rehearing or reconsideration shall file the petition with certification that service of the petition has been made on all parties of record. The ~~Executive Director~~ Chief Clerk shall make available to the person seeking to intervene a service list consisting of the names of all parties of record.

D. Service of Amendments. Any amendment to a pleading shall be served and answered, if applicable, according to the requirements specified herein for the type of pleading sought to be amended.